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10/23/01  
Docket No. 2976-40321, S type

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue of : U.S. Patent No. 5,767,115

Applicants : Rosenblum et al.

Serial No. : 09/594,996

Group Art Unit: 1624

Filed : June 15, 2000

Examiner: Berch, M.

Granted : June 16, 1998

For : Hydroxy-Substituted Azetidinone  
Compounds Useful As  
Hypocholesterolemic Agents

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01 SEP 14 PM 3:57

TRANSMITTAL LETTER

Commissioner for Patents  
Washington, D.C. 20231

Attn: William Dixon

Sir:

In response to your telephone request, please find below the names and addresses of all the inventors for the above-referenced application.

Stuart B. Rosenblum  
16 Steven Terrace  
West Orange, New Jersey 07052

John W. Clader  
428 N. Union Avenue  
Cranford, New Jersey 07016

Duane Burnett  
9 Chestnut Avenue  
Bernardsville, New Jersey 07924

Brian McKittrick  
Millbrook Road  
New Vernon, New Jersey 07976

Sundee Dugar  
5943 Sterling Oaks Drive  
San Jose, California 95120

Pursuant to 37 C.F.R. 1.178, also enclosed is original U.S. Patent No. 5,767,115.

AUTHORIZATION

No additional fee is believed to be necessary.

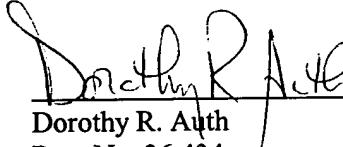
The Commissioner is authorized to charge any additional fees which may be required for this amendment, or credit any overpayment to Deposit Account No. 13-4500, Order No. 2976-4032.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition and for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 2976-4032. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

Dated: September 13, 2001

By:   
Dorothy R. Auth  
Reg. No. 36,434

MAILING ADDRESS:

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12-10-01

RECEIPT



Docket No. 2974-4032

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s) : Rosenblum, S. Group Art Unit: 1615  
Serial No. : 09/594,996 Examiner: M. Berch  
Filed : June 15, 2000  
For : HYDROXY-SUBSTITUTED AZETIDINONE COMPOUNDS  
USEFUL AS HYPOCHOLESTEROLEMIC AGENTS

**EXPRESS MAIL CERTIFICATE**

Express Mail Label No.: EL632223924US

Date of Deposit: December 4, 2001

I hereby certify that the following attached paper(s) and/or fee

1. Request for Corrected Filing Receipt;
2. Copy of marked-up official Filing Receipt; and
3. Return Postcard

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to Commissioner for Patents, U.S. Patent and Trademark Office, P.O. Box 2327, Arlington, VA 22202

Albert Isles

(Typed or printed name of person mailing paper(s) and/or fee)



(Signature of person mailing paper(s) and/or fee)

**Correspondence Address:**

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DEPUTY A/C PATENTS

**FILING RECEIPT**

\*OC00000005249852\*

**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**Address: ASSISTANT SECRETARY AND  
COMMISSIONER OF PATENT AND TRADEMARKS  
Washington, D.C. 202312976-4932 DECEMBER 2001  
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1609/2900

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/594,996	06/15/2000	1615	846	2976-4032	-	13	5

Richard C Komson Esq  
Dorothy R Auth Esq  
Morgan & Finnegan LLP  
345 Park Avenue  
New York, NY 10154-0053

Date Mailed: 07/18/2000

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the PTO processes the reply to the Notice, the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

**Applicant(s)**

Stuart B. Rosenblum, West Orange, NJ ;  
Sundeep Dugar, Bridgewater, NJ ;  
Duane A. Burnett, Fanwood, NJ ;  
John W. Clader, Cranford, NJ ;  
Brian A. Mckittrick, Bloomfield, NJ ;

which is a 35 USC § 371 appln  
PCT/US94/10099, Sep 14, 1994

**Continuing Data as Claimed by Applicant**

THIS APPLICATION IS A REI OF 08/617,751 03/18/1996 PAT 5,767,115  
WHICH IS A CIP OF 08/257,593 06/09/1994 PAT 5,631,365  
AND A CIP OF 08/102,440 09/21/1993 ABN

**Foreign Applications**

If Required, Foreign Filing License Granted 07/18/2000

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OFFICE OF PETITIONS  
DEPUTY A/C PATENTS**Title**

Hydroxy-substituted azetidinone compounds useful as hypocholesterolemic agents

**Preliminary Class**

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Docket No.: 2976-1532

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Applicants : Rosenblum, S. Group Art Unit: 1615  
Serial No. : 09/594,996 Examiner: M. Berch  
Filed : June 15, 2000  
For : HYDROXY-SUBSTITUTED AZETIDINONE COMPOUNDS  
USEFUL AS HYPOCHOLESTEROLEMIC AGENTS

Commissioner For Patents  
U.S. Patent and Trademark Office  
P.O. Box 2327  
Arlington, VA 22202  
Attn: OFFICE OF INITIAL PATENT  
EXAMINATION'S CUSTOMER SERVICE CENTER

**REQUEST FOR CORRECTED FILING RECEIPT**

Dear Sir:

The official Filing Receipt, copy attached, was mailed on July 18, 2000. The following corrections are respectfully requested.

In the section entitled "Continuing Data as Claimed by Applicant," after  
"THIS APPLICATION IS A REI OF 08/617,751, 03/18/1996 PAT 5,767,115"

Please insert:

-- WHICH IS A 35 U.S.C. §371 APPLN, PCT/US94/10099, 9/14/1994 –

Please correct and issue a new filing receipt.

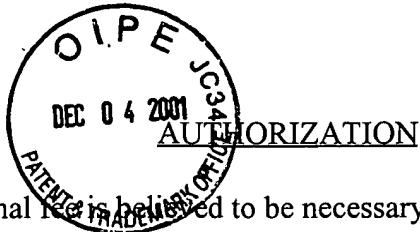
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No additional fees are believed to be necessary.

The Commissioner is hereby authorized to charge any additional fees which may be required for this amendment, or credit any overpayment to Deposit Account No. 13-4500, Order No. 2976-4032.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

Dated: December 4, 2001

By: 

Dorothy R. Ath  
Reg. No. 36,434

MAILING ADDRESS:

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www.uspto.gov

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/594,996	06/15/00	Rosenblum et al	2976-4032

Dorothy R Auth Esq

Morgan & Finnegan LLP

345 Park Avenue

New York, NY 10154

Date Mailed: 12/14/01

**RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT**

**Publication and General Rules Issues**

In response to your request for a corrected Filing Receipt, the Office is unable to comply with the request because:

- The articles such as "a", "an", and "the" are not included as the first words in the title of an application. They are considered to be unnecessary to the understanding of the title.
- The words "new", "improved", "improvement of", "improvement in", or "improvement relating to" are not included as the first words in the title of an application because a patent application is, by nature, a new idea or improvement. See MPEP 606.
- The title appears on the filing receipt in sentence case for publication in the Annual Index of Patents.
- Amendments are not accepted in provisional applications. See 37 CFR 1.53(c).
- An amendment or Application Data Sheet is needed to make this change.
- The inventor's residence will only include the city and state for U.S. residences or city and country for residences outside the U.S. See MPEP 605.02.

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Continuity claimed under 35 USC 120 cannot be added to the Filing Receipt without the applicant supplying the relationship (continuation, divisional, or continuation-in-part) in an amendment or Application Data Sheet.

Small entity status was previously claimed in this application. To notify the Office of a loss of entitlement to small entity status, see 37 CFR 1.27(g). To have a good faith error in claiming small entity status excused, see 37 CFR 1.28(c).

The request for non-publication was not timely filed. A request for non-publication must be submitted upon filing of an application. The application is scheduled to be published on the date specified on the filing receipt.

The request for non-publication has not been recognized because it is not conspicuous as required by 37 CFR 1.213.

There was no prior request for non-publication in this application. The request to rescind the non-publication request will not be processed.

Your request for non-publication will not be acknowledged because this application is not eligible for publication. Only utility and plant applications filed on or after November 29, 2000 are eligible for publication.

The "Non-Publication Request" indicator is correct. If there was a proper request submitted at the time of filing, the notation on the filing receipt will be "Yes". If no such request was made, the notation will be "No".

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Customer Service Center  
Office of Initial Patent Examination  
(703) 308-1202